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Co-Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

In re ATM FEE ANTITRUST
 LITIGATION

Master File No. C04-2676 CRB

CLASS ACTION

**JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER**

This Document Relates To:

ALL ACTIONS

The Honorable Charles R. Breyer

STIPULATION

WHEREAS, a Discovery Hearing was held on February 5, 2007 before the Honorable Charles R. Breyer concerning the inadvertent production of certain documents claimed to be privileged or otherwise protected from discovery by Defendants Concord EFS, Inc. and First Data Corp (“Concord/First Data”);

WHEREAS, Brian Wallach of the law firm of Howrey, LLP appeared for Concord/First Data and Joseph R. Saveri of the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP appeared on behalf of Plaintiffs;

1 WHEREAS, the hearing concerned confidential documents, and the record was
2 placed under seal by Order of the Court at the hearing;

3 WHEREAS, the court reporter will not prepare a transcript of the proceedings
4 absent further Order of the Court;

5 WHEREAS, the Plaintiffs and Defendants Concord/First Data would benefit from
6 a record of the proceedings for purposes of this litigation and therefore request that the court
7 reporter prepare a transcript;

8 IT IS HEREBY STIPULATED AND AGREED, by and between the parties
9 through their respective counsel of record that:

- 10 1. The court reporter may prepare a transcript of the discovery hearing held
11 on February 5, 2007;
- 12 2. The transcript shall be filed under seal; and
- 13 3. The transcript may only be released to counsel for the Plaintiffs and
14 Defendants Concord EFS, Inc. and First Data Corp.

15 SO STIPULATED.

16 Dated: February 9, 2007

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27 *Co-Lead Counsel for Plaintiffs*

1 Dated: February 9, 2007

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By: Stephen R. Cook w/permission PEL
Stephen R. Cook
Counsel for Defendants Concord EFS Inc. and First Data Corp.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

11 Dated: February 12, 2007

The Honorable Charles R. Breyer

